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In re Application of  
Shinji Usuba, et al.  
Application No. 09/254,864  
Filed: March 15, 1999  
For: **LINE CONCENTRATOR FOR  
TELEPHONE SET AND COMMUNICATION  
METHOD OF LAN**

DECISION ON PETITION  
TO WITHDRAW HOLDING OF  
ABANDONMENT

This is a decision on the Petition to Withdraw Holding of Abandonment which is treated as pursuant to 37 C.F.R. §1.181, filed April 23. No fee is required.

The petition is **DENIED**.

This application became abandoned due to failure to pay the issue fee in response to the Notice of Allowance and Issue Fee Due mailed November 18, 2003. A Notice of Abandonment was mailed on April 1, 2004.

Petitioner has alleged non-receipt of the Notice of Allowance and Issue Fee Due. In the petition, the petitioner has provided a statement that the Notice was not received by the petitioner and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed.

MPEP § 711.03(c) Petitions Relating to Abandonment, states in part:...

**II. PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that:

- (a) the Office communication was not received by the practitioner;
- (b) attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

Moreover, a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

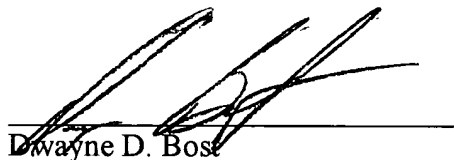
As mentioned, Petitioner states that the Notice of Allowance and Issue Fee Due was not received and also references a docket log within their petition. Moreover, the petition does state:

"However, a search of the file jacket and docket records indicates that no Notice of Allowance has been received by the Office of the undersigned". What is not clear from the petition is if this is a statement from the Practitioner or the Applicant. The requirements of a successful petition to withdraw the holding of abandonment requires the statement from the Practitioner attesting to a personal search of the file jacket and docket records and indicating that the office communication was not received.

It is also noted that Petitioner requested that the docket record be held separate and apart from the application file due to potential confidential nature of certain of the entries. Unfortunately, the docket record submitted is part of the petition and can not be kept separate from the application file. It is suggested that Petitioner file a redacted copy of the docket record along with the request for reconsideration, to replace the originally submitted docket record.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision and include the statement from the Practitioner as outlined above.

The file is being forwarded to the file repository.

A handwritten signature in black ink, appearing to read 'Dwayne D. Bost', is written over a horizontal line.

Dwayne D. Bost  
Special Program Examiner  
Technology Center 2600  
Communications